THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY

W.P.No.13170 of 2005

Dated 17th day of August, 2005

Between:

G. Kamala Kumari,

W/o. Dr.G.Shiva Prasada Reddy,

Aged about 45 years, r/o.D.No.9-42-5/A,

Balaji Nagar, Visakhapatnam – 530 017.

…. Petitioner

And

Municipal Corporation of Visakhapatnam,

Represented by its Commissioner,

Aseelametta Junction, Visakhapatnam.

…. Respondent

ORDER:

The writ petition has been filed by Smt.G.Kamala Kumari with a prayer to issue a Mandamus declaring the action of the respondent-Municipal Corporation of Visakhapatnam in not paying compensation to the petitioner towards the land surrendered by her in Town Survey No.79, Plot No.9, Waltair Ward, Visakhapatnam for road widening as illegal and unconstitutional.

The case of the petitioner as disclosed from the affidavit filed in support of the writ petition is that she has purchased a site of 400 square yards in Town Survey No.79, Plot No.9, Waltair ward under a registered sale deed dated 15-08-1990 and since

then she has been in possession and enjoyment of the same. The respondent-Corporation issued a notice dated
24-02-2005 asking her to surrender 286 square yards towards the road widening. She has given consent for surrendering such extent of land subject to payment of compensation. Since compensation has not been paid so far, she has filed this writ petition invoking jurisdiction of this Court under Article 226 of the Constitution of India.

The learned Standing Counsel appearing for the respondent-Corporation submits that in spite of his repeated instructions to the respondent-Corporation, he has not received any para-wise remarks from the respondent-Corporation and therefore, he is not in a position to controvert the averments made in the writ affidavit.

Heard the learned counsel for the petitioner and perused the record.

It has been specifically stated in the affidavit filed in support of the writ petition that the respondent-Corporation has taken over her land for road widening and so far, compensation has not been paid to her. The respondent-Corporation has also not chosen to controvert the averments made in the writ affidavit. Such is the situation, I deem it appropriate to direct the respondent-Corporation to pay the compensation to the petitioner under the provisions of the Municipal Corporation Act, within two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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B. SESHASAYANA REDDY, J

17th August, 2005

Note: Issue CC in one week

(B/o.)

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